

Application Serial No. 10/606,457
Attorney Docket No.: 60027.0202US01/BS02360 RECEIVED
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AUG 30 2006

REMARKS

This Amendment is in response to the non-final Office Action mailed May 30, 2006. Claims 1-5, 7-27, and 29-37 are pending in the present application. Claims 1-5, 7-27, and 29-37 were examined and rejected in the Office Action. Independent claims 1, 24, and 29 have been amended. Applicant respectfully requests examination and reconsideration in view of the following remarks.

Claim Rejections - 35 U.S.C. §103

Claims 1, 2, 4, 5, 8-10, and 16-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Merwin in view of Contractor, U.S. Patent No. 6,683,940 (hereinafter Contractor). Independent claim 1 has been amended and Applicant respectfully submits that Merwin in view of Contractor does not make obvious each and every feature of amended claim 1.

Claim 1

Amended independent claim 1 is not made obvious by cited references at least because amended claim 1 recites, among other features, routing the call to an intelligent network component wherein routing the call includes routing the call to the voice information application at a telecommunications system services node. The Office Action acknowledges that Merwin fails to disclose that routing the call includes routing to a voice information application at a telecommunications system services node. However, the Office Action relies on Contractor to resolve the deficiencies of Merwin. (See Office Action page 3, lines 8-12).

Applicant respectfully traverses the 103 rejections because the Office Action does not make a *prima facie* case of obviousness over amended claim 1. In order to make a *prima facie* case of obviousness, the Office Action must set forth prior art that teaches or suggests every claim limitation. (See MPEP § 2143.) The reference Contractor would only qualify as prior art under one or more of subsections (c), (f), and (g) of 35 U.S.C. §102. Thus, according to 35 U.S.C. §103, Contractor shall not preclude patentability because Contractor and the present application were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

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according to reel/frame 012854/0214. Accordingly, Contractor is not prior art. Consequently, a rejection of any of the pending claims over Merwin in view of Contractor is inappropriate. Thus, amended claim 1 is allowable over Merwin in view of Contractor.

Claim 29

Claims 3, 11-14, 20, 29, and 32-37 were rejected under U.S.C. 103(a) as being unpatentable over Merwin in view of Contractor and further in view of Wise et al., U.S. Patent No. 5,884,262 (hereinafter Wise). Applicant's amended independent claim 29 is drawn to a system for storing and accessing information to and from a remote voice information system. The system includes a voice information application operative, among other features, to store at a remote server one or more text information messages for access by the voice information application prior to receiving a request for a stored text information message.

The Office Action acknowledges that Merwin in view of Contractor and Wise fails to disclose storing at a remote server one or more text information messages for access by the voice information application as recited in amended claim 29. However, the Office Action relies on Contractor and Hartselle to resolve the deficiencies of Merwin. (See Office Action page 11, lines 14-18). As described above with respect to amended claim 1, Contractor does not qualify as prior art. Also, the reference Hartselle would only qualify as prior art under one or more of subsections (e), (f), and (g) of 35 U.S.C. §102. Thus, according to 35 U.S.C. §103, Hartselle shall not preclude patentability because Hartselle and the present application were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. Accordingly, Hartselle is not prior art. Consequently, a rejection of any of the pending claims over Merwin in view of Contractor and/or Hartselle is inappropriate. Thus, amended claim 29 is allowable over Merwin in view of Contractor and further in view of Wise.

Claim 24

Claims 24 and 25 were rejected under U.S.C. 103(a) as being unpatentable over Merwin in view of Contractor and further in view of Cloutier et al., U.S. Patent No.

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6,535,586 (hereinafter Cloutier). Applicant's amended independent claim 24 is drawn to a method of storing and accessing information to and from a remote voice information system. The method involves, among other features, (1) routing a call to the voice information application at a telecommunications system services node, (2) storing at a remote server one or more text information messages for access by the voice information application, and (3) receiving a request from the subscriber for voice information accessible by the voice application from the remote server.

The Office Action acknowledges that Merwin fails to disclose that routing the call includes routing to a voice information application at a services node (See Office Action page 3, lines 8-12). The Office Action also acknowledges that Merwin in view of Contractor and Wise fails to disclose storing at a remote server one or more text information messages for access by the voice information application as recited in amended claim 29. (See Office Action page 11, lines 14-18). However, the Office Action does not rely on Cloutier but relies on Hartselle to resolve the deficiencies of Merwin, Contractor, and Cloutier. As describe above with respect to amended claim 29, Contractor and Hartselle do not qualify as prior art. Thus, amended claim 24 is allowable over Merwin in view of Contractor and further in view of Cloutier.

Dependent Claims

Claim 7 was rejected under U.S.C. 103(a) as being unpatentable over Merwin in view of Contractor as applied to claim 1 above and further in view of Hartselle et al., U.S. Publication No. 2004/0213385 (hereinafter Hartselle). At least because Contractor and Hartselle do not qualify as prior art, Claim 7 is allowable over Merwin.

Claims 21-23 were rejected under U.S.C. 103(a) as being unpatentable over Merwin in view of Contractor and Wise as applied to claim 20 above, and further in view of Hartselle. At least because Contractor and Hartselle do not qualify as prior art, Claims 21-23 are allowable over Merwin.

Claim 15 was rejected under U.S.C. 103(a) as being unpatentable over Merwin in view of Contractor and in view of Wise as applied to claim 14 above, and further in view of Johnstone et al, U.S. Patent No. 4,462,080 (hereinafter Johnstone).

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Claims 26 and 27 were rejected under U.S.C. 103(a) as being unpatentable over Merwin in view of Contractor and in view of Cloutier as applied to claim 25 above, and further in view of Wise.

Claims 30 and 31 were rejected under U.S.C. 103(a) as being unpatentable over Merwin in view of Contractor and in view of Wise as applied to claim 29 above, and further in view of Cloutier.

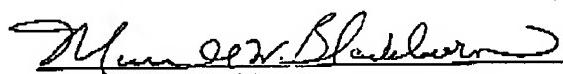
At least because claims 3, 7, 11-15, 20-23, 25-27, and 30-37 inherit the language of allowable independent claims 1, 24, or 29, claims 3, 7, 11-15, 20-23, 25-27, and 30-37 are also allowable over Merwin in view of Contractor, Wise, Cloutier, Johnstone and/or Hartselle alone, or in combination.

CONCLUSION

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

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Respectfully submitted,


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